

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY
LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

Kevin Turner and Shawn Wooden, on behalf
of themselves and others similarly situated,

Hon. Anita B. Brody

Plaintiffs,

Civ. Action No. 14-00029-AB

v.

National Football League and NFL Properties
LLC, Successor-in-interest to NFL Properties,
Inc.,

Defendants.

THIS DOCUMENT RELATES TO: ALL
CLIENTS OF GPW

**JOINDER OF GOLDBERG, PERSKY & WHITE, P.C. IN THE
SIXTH VERIFIED PETITION OF CLASS COUNSEL FOR AN
AWARD OF COMMON BENEFIT ATTORNEY'S FEES AND COSTS**

Goldberg, Persky & White, P.C. joins the Motion of Class Counsel requesting fees and costs for his Sixth Verified Petition filed at ECF #11891.

In so doing, it is assumed this Honorable Court continues to approve only those legitimate fees and costs related to Common Benefit work on behalf of all former players.

Nevertheless, this Petition by Class Counsel raises a now timely issue related to pending motions concerning the release of the holdback of the 5% attorney's fees earned by IRP lawyers. (See e.g. ECF #11396).

By way of background, the NFL parties agreed to fund \$112.5 million for payment toward the Common Benefit of the settlement.

This Honorable Court ordered that \$85,619,466.79 be paid out of the original settlement so that there would remain an excess to cover future Common Benefit work. (ECF #10019). This

meant that \$26,880,533.30, with increasing interest, would be disbursed for the continued efforts of class counsel to operate the settlement for 65 years commencing in 2017. (ECF #10019 at 4).

The First Verified Petition of Class Counsel for Common Benefit fees and costs was approved by this Honorable Court in the amount of \$9,381,961.06 for a sixteen (16) month period of time from January 7, 2017 to May 24, 2018. (ECF #10378).

The Second Verified Petition of Class Counsel for Common Benefit fees and costs was approved by this Honorable Court in the amount of \$3,069,548.08 for a six-month period from May 25, 2018 to November 30, 2018. (ECF #11240).

The Third Verified Petition of Class Counsel for Common Benefit fees and costs was approved by this Honorable Court in the amount of \$1,655,292.36 for the next six-month period of time from December 1, 2018 to May 31, 2019. (ECF #11240).

The Forth Verified Petition of Class Counsel for Common Benefit fees and costs was approved by this Honorable Court in the amount of \$1,204,633.42 for the next six-month period of time from June 1, 2019 to November 30, 2019. (ECF #11240).

The Fifth Verified Petition of Class Counsel for Common Benefit fees and costs was approved by this Honorable Court in the amount of \$1,112,761.05 for the next six-month period of time from December 1, 2019 to May 31, 2020. (ECF #11732).

The Sixth Verified Petition of Class Counsel for Common Benefit fees and costs is pending before this Honorable Court in the amount of \$1,499,853.02 for a twenty-three (23) month period of time from June 1, 2020 to April 30, 2022. (ECF #11891).

Assuming this Honorable Court grants the Sixth Verified Petition, there will be \$17,924,049.00 paid out of the original balance of \$26,880,533.30 from the original \$112.5 Million settlement. Accordingly, there remains a balance of \$8,956,484.30 in the AFQSF with growing interest. This is more than enough to fund the 5% requested by the IRP lawyers in the instant motion. Further, this will not jeopardize any future payments to class counsel for future common benefit work as it is not disputed that the common benefit work of class counsel will decrease based on his own statement when he said “the common benefit time and expenses are continuing to decrease.” (ECF #11891 at page 2).

At the current decreasing rate of \$800,000.00 yearly, based on class counsel's present Petition for common benefit time and expenses, the remaining money would last, at minimum, another eleven (11) plus years. It is further important to note that this \$800,000.00 yearly figure will continue to decrease given the closing of the BAP program in a matter of years, the lack of ongoing complications and/or investigations with the settlement, and the increase in the number of deaths of former players.

Class Counsel also importantly points out that *over \$1 billion in Notices of Monetary Award have been issued to players*. (ECF #11891). This means that there is \$50,000,000 million being held back (5%) holdback of attorney's fees collected by the lawyers representing individual former players, including the law firm of Goldberg, Persky & White, P.C. (ECF #11811). The number and value of the settled claims for former players will continue to grow as more claims are filed and paid, especially considering the recent Norming Agreement. Therefore, with confidence, there will be an overabundance of sufficient funds presently in existence to continue the NFL Settlement Program for the remaining 59 years.

Based on all of the foregoing, it is appropriate at this time for this Honorable Court to order equitable disbursement to the IRP lawyers holding contingent contracts for which there are multiple present motions pending and held in abeyance in light of the past funding concerns expressed by this Honorable Court. (See e.g. ECF # 11396).

Wherefore, this firm supports class counsels Sixth Verified Petition for legitimate Common Benefit fees and expenses, along with this Honorable Court exercising its authority to distribute the 5% IRP attorney's fees holdback and equitably disburse the same to the IRP lawyers in light of this growing excess of common benefit funds.

Dated: November 14, 2022

GOLDBERG, PERSKY & WHITE, P.C.

/s/ Jason E. Luckasevic

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CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing document was served electronically *via* the Court's electronic filing system on this 14th day of November, 2022, upon all counsel of record.

Dated: November 14, 2022

/s/ Jason E. Luckasevic